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Total Number of Pages in This Submission

Application Number	10/019,397
Filing Date	12/28/2001
First Named Inventor	Konstantinos POULAKIS
Art Unit	1733
Examiner Name	B.J. Musser
Attorney Docket Number	42120

ENCLOSURES (Check all that apply)

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Firm Name	Roylance, Abrams, Berdo & Goodman, L.L.P. (Customer No. 001609)		
Signature			
Printed name	Mark S. Bicks		
Date	08/14/2007	Reg. No.	28,770

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42120



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	PATENT
Konstantinos POULAKIS	:	Appeal No. _____
Serial No.: 10/019,397	:	Art Unit: 1733
Filed: December 28, 2001	:	Examiner: B.J. Musser
For: METHOD FOR PRODUCTION OF A FLEXIBLE SHAPED STRIP	:	

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the June 14, 2007 Examiner's Answer in the appeal of the above-identified application.

Page 12 (first paragraph) of the Examiner's Answer states that claim 11 "does not positively require the softness of the plastic material to refer to the composition of the plastic material rather than its structural properties". This statement mischaracterizes the claimed invention. Claim 11 specifically recites that the shaped strip is formed from plastic material for engaging the longitudinal passage in the cushion component and securing the cover to the cushion component, and that the slip preventer is on the exterior surface of the shaped strip where the slip preventer is "a plastic material softer than the plastic material of the shaped strip". Thus, the claim specifically recites the softness of the plastic material in referring to the

composition of the slip preventer and not the structural properties of the articles as a whole as stated in the Examiner's Answer.

Page 12 of the Examiner's Answer also states that the foam layer of Esler is softer than the fibrous interior layer and that one skilled in the art would appreciate that the material intended to be velvety would be softer than the intended reinforcing. Esler does not disclose or suggest the hardness or softness of the foam coating or the fiber reinforcing of the welting cord. The embodiment of Figure 5 of Esler relied on for the rejection discloses the fibers being a flexible polyester. See column 6, lines 47-49. The cellular foam cord is disclosed in column 7, lines 29-36, as a low density polyethylene, a high density polyethylene, polypropylene, polyvinyls, such as polyvinyl chloride, polyurethane and polybutylene. The foams disclosed in Esler are not inherently softer than the polyester fibers used for the cord. The foamed polymers such as polyethylene and polypropylene are flexible, but are not inherently softer as stated on page 12 of the Examiner's Answer. Although the outer foam casing of Esler is flexible, the foam is not necessarily soft.

Page 12 (second paragraph) of the Examiner's Answer also alleges that the bundle of fibers of Esler is a shaped strip. This statement appears to mischaracterize the claimed invention. Claim 11 specifically recites the shaped strip engaging the passage of the cushion and "securing the covering to the cushion component". The bundle of fibers forming the reinforcing core of Esler is not a shaped strip having a shape or structure sufficient for securing the covering to the cushion component as recited in claim 11.

Page 12 (fourth paragraph) of the Examiner's Answer states that the evidence attached to the Declaration indicates that the softness of the materials are not important such that the Declaration is insufficient to establish a date of invention prior to the Schulte patent. Page 13 of

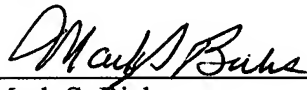
the Examiner's Answer also states that the Declaration indicates that the hardness of the materials was not of interest, thereby suggesting that the hardness was not important. This statement mischaracterizes the statements in the Declaration. The evidence attached to the Declaration specifically states that the "profile" hardness was not of interest. It is clear from the evidence attached to the Declaration that the "profile" refers to the body of the shaped strip, which has the glue or anti-slip preventer applied thereto. Thus, the evidence only states that the hardness of the shaped or profiled strip was not of interest, but does not support the position asserted in the Examiner's Answer that the hardness of the anti-slip coating was not important. Thus, the Examiner's Answer mischaracterizes the Declaration and the evidence attached thereto.

Page 13 of the Examiner's Answer alleges that the Schulte indicates the recesses are provided with anti-slip means, "indicates that something is applied to them as the providing of anti-slip means", and refers to column 3, lines 52-55 of Schulte. This statement mischaracterizes the disclosure of Schulte. Schulte discloses the side portions of the profiled strip being configured inherently with or provided with an anti-slip means to prevent slippage. There is no suggestion that a coating is applied to the profiled strip as asserted in the Examiner's Answer. The passage noted in the Examiner's Answer does not indicate that "the recesses" are provided with anti-slip means or that a coating is applied to recesses of the profiled strip. The only anti-slip means disclosed or suggested in Schulte are the ribs or hooking elements 14. Schulte does not disclose an anti-slip means in the recesses between the ribs or hooking elements as contended in the Examiner's Answer.

The remaining contentions raised in the Examiner's Answer are addressed in the Brief on Appeal.

In view of the above arguments and the arguments presented in Appellant's Brief on Appeal, reversal of the rejections is requested.

Respectfully submitted,



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